The Confederated Tribes of the Colville Reservation
P.O. Box 150, Nespelem, WA 99155 (509) 634-2200
FAX: (509) 634-4116

November 21st, 2019

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, S.W.
Room TW-A325
Washington, DC 20554
Re: GN Docket No. 19-285

Dear Ms. Dortch:

Thank you for the opportunity to comment on the FCC's Fifteenth Broadband Deployment Report Notice of Inquiry, GN Docket 19-285. The comments of the Confederated Tribes of the Colville Reservation (Colville Tribes) are set out section-by-section below and correlate to the order of the proposed rules.

Section III "STATUTORY FRAMEWORK FOR BROADBAND DEPLOYMENT INQUIRY"

III-A "Evaluating Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion"

III-A-7 "*Progress in Deployment.* In the *2019 Report*, we reviewed whether advanced telecommunications capability was being deployed to all Americans in a reasonable and timely fashion by evaluating progress—specifically, comparing deployment of fixed and mobile services as of December 31, 2017, to deployment of those services each year since 2013. In doing so, we reiterated that, by using the language "is being deployed" in section 706, Congress intended that the Commission evaluate the current state of deployment to all Americans; Congress did not ask us to determine whether each and every American is served at this moment. We propose to use this progress-based approach for this next Broadband Deployment Report, and seek comment on doing so."

CCT response to III-A-7:

Colville Tribes does not believe that the current methodology used to determine deployment progress does justice to the citizens of its Indian Country, specifically those Tribal lands that are in remote rural locations. The remoteness allows service providers to over report their deployments on those lands with little to no oversight. The current CAF II deployment map is riddled with over-reporting for the Colville Confederated Tribes'

reservation lands. CenturyLink alone has reported more than 3 dozen deployments to remote areas that do not receive the full 10/1 services as required by USAC. This is troubling as it paints a picture of access to the FCC that does not exist and prevents other entities from receiving the funding needed to deploy to these highly remote areas. Given this information CCT cannot support the current methodology as it has not proven to work in the least bit from our perspective. CCT would like to see more government to government interaction to keep providers honest with their reporting. CCT will submit data to counter the claims of CenturyLink and others who have claimed deployments or speeds that do not meet the minimum thresh holds.

III-A-8 "In the *2019 Report*, we concluded that both fixed and mobile LTE services provide capabilities that satisfy the statutory definition of advanced telecommunications capability; but that, despite the increasing ubiquity and capabilities of mobile services, there was insufficient evidence in the record to conclude that mobile and fixed broadband services are full substitutes in all cases. Thus, we evaluated the availability of fixed and mobile services holistically over a five-year time period (2013–2017), using the same four categories for determining the proportion of Americans with advanced telecommunications capability available as presented in the *2018 Report*: (1) those with fixed services available; (2) those with mobile LTE services available; (3) those with both fixed terrestrial *and* mobile LTE services available; and (4) those with at least one of either fixed terrestrial *or* mobile LTE services available."

III-A-9 "We propose maintaining the evaluative framework we used in the *2019 Report*. Specifically, we propose conducting an evaluation of fixed and mobile services using the same four categories as used in the *2019 Report*. We also propose to continue to rely on a five-year time period (2014-2018) in our analysis. To enable the Commission and the public to monitor consumer usage trends and marketplace developments, the *2019 Report* presented deployment figures for five speed metrics for fixed services (specifically, the 25 Mbps/3 Mbps fixed advanced telecommunications capability speed benchmark, 10 Mbps/1 Mbps, 50 Mbps/5 Mbps, 100 Mbps/10 Mbps, and 250 Mbps/25 Mbps), and for two speed metrics for mobile LTE (specifically, 5 Mbps/1 Mbps and 10 Mbps/3 Mbps). We propose to use these same metrics for our upcoming Report, and we seek comment on that proposal."

CCT Response to III-A-9:

CCT does not take issue with either the 5-year time period used for analysis nor with the speed metrics used, however CCT does not believe that relying solely on provider data to determine speeds is adequate. The main issue is that site testing results are now not expected until 2021 so this allows providers to submit claims of deployment without any mechanism in place to vet those results. CCT suggests that testing results should be made public at the same time that providers submit them to the FCC as proof of

deployment. This would allow Tribal Governments the opportunity to vet the results and submit their findings to the proper FCC authority.

III-A-10 "Alternatively, have there been changes in marketplace and technological conditions that justify a different evaluative approach? If so, how should we modify our previous conclusion regarding the substitutability of fixed and mobile broadband services? Should mobile broadband be treated as a functional substitute for fixed wireline broadband? If so, how would we adjust our evaluative approach to account for such a conclusion? Given that the Commission has previously determined that we should employ a benchmark speed for mobile services, what should that benchmark be? Should the deployment of 5G wireless services affect our analysis?"

CCT Response to III-A-10:

CCT does not believe that counting mobile broadband to be substituted for fixed services is appropriate nor does it depict reality for many Americans in rural areas. Most rural areas do not have access to adequate cellular coverage; however, even if there access to some limited extent in some areas they cannot and should not be considered "covered" areas. First, the cost associated with cellular phones or tablets vs. a traditional fixed connection are not comparable. Second, the data caps put onto cellular data is well below the caps, if any, with a traditional fixed broadband provider. Most cellular data packages cap out at some point or will throttle users during peak usage times without warning which could prove to be a burden on users who rely on their broadband for critical uses for school or work. Another factor is the cost of devices. For instance Verizon has recently gone away from their $200 flat rate phone deals so consumers will now pay full price for their new phones which range from $600-$1000 each; that price is close to the price of a laptop or desktop but these small screens limit a user's ability to do homework assignments or perform other important tasks. CCT would like broadband to be limited to fixed wireless or traditional in the ground providers and not allow mobile carriers or satellite providers to be lumped with the latter. The FCC has been working for more than a decade on expanding broadband coverage throughout America and in that time several providers have received funding to expand coverage on the Colville Reservation and yet nothing has changed. Nothing. This tells us that the methodology, used throughout the USAC and CAF funding opportunities, to determine deployments is flawed and is in need of a serious overhaul.

III-A-11 "*Defining Advanced Telecommunications Capability.* In the *2019 Report*, we found that the current speed benchmark of 25 Mbps/3 Mbps was the appropriate measure to assess whether fixed services provide advanced telecommunications capability. We noted that the record lacked a compelling justification for raising the benchmark, and that a consistent benchmark better enables the Commission and the public to track deployment progress over time. We propose to maintain the 25 Mbps/3 Mbps benchmark for fixed services, and we seek comment on this proposal."

CCT Response to III-A-11:

CCT has no issue with maintaining the current benchmark of 25/3 to stay consistent. CCT would like to see any form of broadband whether it's 5/1 10/1 or 25/3, this doesn't matter for 90% of the Colville Reservation. As stated before there have been zero build outs in the last decade from anyone outside of the Tribes itself; the Tribal Membership would be appropriately served with any sort of real broadband, excluding the expensive small data cap satellite "broadband."

III-A-12 "We also found in the *2019 Report* that the inherent variability of mobile services, as well as certain data limitations, continue to make the use of a single mobile speed benchmark unworkable. Consequently, we found that use of various data points is still the best method to assess the extent to which American consumers have mobile advanced telecommunications capability available. We presented, as a starting point, LTE coverage data based on the FCC Form 477 minimum advertised speeds of 5 Mbps/1 Mbps. Consistent with the findings of the *2018 Report*, we determined in the *2019 Report* that 4G LTE is the best proxy for what is "advanced" in today's mobile services market, but we did not establish 5 Mbps/1 Mbps as the advanced telecommunications capability benchmark for mobile services. Instead, we supplemented our assessment of relevant FCC Form 477 data with Ookla's consumer speed test data at a median speed of 10 Mbps/3 Mbps or higher at a county level. We believe this approach accounts for certain limitations in the current FCC Form 477 mobile data, while helping us better understand the extent to which American consumers today are receiving speeds higher than 5 Mbps/1 Mbps. Overall, retaining this methodology allows consistent metrics by which we can evaluate whether mobile advanced telecommunications capability is improving for American consumers. We seek comment on whether to take a similar approach when evaluating mobile speeds in the next Report."

CCT Response to III-A-12:

CCT does not agree with the current methods for measuring mobile broadband coverage. As we all know, the reporting done by cell phone carriers was deeply flawed as evidenced by the MFII challenge results. By using counties as a Geographical Service Area(GSA) the FCC does a disservice to the people living onTribal lands. It is hard to explain in words and is better to come see in person, how often federal and state monies are used to expand broadband access in rural areas but completely skip over Tribal lands. So although at the county level many are able to obtain 10/1 speeds from their mobile carriers, you cannot do so ON the actual reservation. Mere miles can be the difference between 10/1 and then nothing at all for miles and miles on the reservation itself. This creates a public safety issue as well as a safety issue for our wild land fire fighters and Tribal Police Department. The measurements used currently will never truly reflect the lack of not only broadband, but cellular service on Tribal lands. Although we do not have an answer for this we would not be doing our Tribal membership justice if we did not point out this flaw in the system.

III-B "Schools and Classrooms"

III-B-13 "Section 706 also requires an evaluation of the availability of advanced telecommunications capability in elementary and secondary schools and classrooms. In the *2019 Report*, we continued to measure the availability of advanced telecommunications capability in schools and classrooms by using our short-term goal of 100 Mbps per 1,000 students and staff and our long-term goal of 1 Gbps per 1,000 students and staff. We propose to continue using these goals for the upcoming report and seek comment on doing so."

CCT Response to III-B-13:

CCT agrees with the goals set by the FCC of 1Gbps per 1,000 students and staff. With more and more curriculum coming from online sources the need for a robust connection at schools is paramount.

III-C "Tribal Lands"

III-C-14 "Both the *2018 Report* and the *2019 Report* also demonstrated that deployment of advanced telecommunications capability on many Tribal lands continues to lag deployment in other, non-Tribal areas. Tribal lands often face significant obstacles to broadband deployment. Tribal lands are located disproportionately in rural areas, and both rural Tribal areas tend to be less densely populated than rural non-Tribal areas. The remote and often isolated nature of these areas, combined with often-challenging terrain and lower incomes, increases the cost of network deployment and entry and reduces the profitability of providing service. The Commission has long recognized the need to promote and encourage the availability of broadband on Tribal lands. Tribal lands experience lower rates of both fixed and mobile broadband deployment as compared to non-Tribal areas of the United States, particularly in rural Tribal areas compared to rural non-Tribal areas. For example, while 92% of housing units on urban Tribal lands are covered by a fixed terrestrial provider of 25 Mbps/3 Mbps broadband service—just six points behind their non-Tribal urban counterparts—only 46.6% of housing units on rural Tribal lands have that service available, a nearly 27-point gap compared to non-Tribal rural areas. Mobile LTE coverage on Tribal lands also lags: While 99.8% of the population living on non-Tribal areas are covered by mobile LTE service, only 96% of the population living on Tribal lands are covered with such service."

III-C-15 "While deployment to Tribal lands has been increasing in recent years, additional work is required. We recently proposed and sought comment on several ways to address un-served Tribal areas identified in the *Tribal Broadband Report*. We seek comment on whether deployment on Tribal lands still lags compared to deployment in non-Tribal areas. We also seek comment on additional considerations, such as difficulties involving rights-of-

way, that could be preventing deployment that might otherwise occur."

CCT Response to III-C-15:

CCT knows first-hand how far behind Indian county is compared to other rural areas. The digital divide has only grown larger over the last decade as other rural areas have seen significant increases in broadband access availability while Rural Native communities lack access to even these most basic of services. CCT has seen millions spent on infrastructure that will often time border the reservation, at best, while never actually reaching onto Reservation lands. CCT does not have any issues with other utilities being able to deploy infrastructure, in our estimation acquiring rights-of-way is not that difficult and should not be viewed as a reason let allow providers to avoid providing services in Indian Country. The only infrastructure that has been put into play over the last decade has been provided by CCT itself. Providers like Century-Link, despite being told of informed of the deficiencies in broadband and other communications infrastructure, have been unwilling to make upgrades for our Tribal communities to utilize the fiber optics CCT has provided. This shows a serious lack of commitment from providers and tells a story of just how unwilling providers are to make any sort of investment even when given money by the Federal Government to do so. This behavior is another reason why CCT calls into question the validity of reporting by providers who have received USAC/ARRA funding over the last decade for Reservation deployments.

SECTION IV "DATA SOURCES AND ANALYSIS"

IV-16 "*Deployment Data for Fixed Services.* We found in the *2019 Report* that, despite its limitations, our FCC Form 477 deployment data for fixed technologies are currently the most reliable and comprehensive dataset with which to assess availability of fixed services. We continue to believe that these data are the most reliable and comprehensive currently available. We therefore propose to use the FCC Form 477 data to evaluate deployment of fixed broadband services and we seek comment on this proposal."

CCT Response to IV-16:

CCT recognizes that the FCC form 477 data is the most reliable data available but it is far from comprehensive. The fact of the matter is there are no other options available to use as of now and the fault lies squarely with the FCC. CCT hopes that the new granular data collection methods that have been talked about frequently will bridge the gap between reporting and reality so that big carriers will not be able to over-report deployment data in the future. CCT again urges the FCC to consider more government-to-government involvement when dealing with Indian Country, providing Tribal Governments with more opportunities for oversight of deployment planning and data reporting.

IV-17 "Given that the FCC Form 477 data report fixed broadband service at the census

block level, we acknowledged in the *2019 Report* that our FCC Form 477 deployment data for fixed services may overstate the deployment of services throughout an area. Consistent with the *2019 Report* as well as submissions to the Commission in other dockets, we recognize the limitations of the FCC Form 477 data, and we consider the shortcomings and challenges of the dataset when those data are used to inform our funding and policy decisions. For example, it has recently been estimated that the Form 477 may overstate broadband coverage by approximately 3%. We seek comment on the accuracy of such an estimate, potential data sources to quantify such an estimate, and how that estimate should affect the conclusions we draw regarding the state of deployment.."

CCT Response to IV-17:

CCT believes that the reported error margin of 3% is a low number, which is allowing providers to report a census block as "covered" when this is not actually the case.

"If the provider does, or could, within a service interval that is typical for that type of connection---that is, without an extraordinary commitment of resources---provision two-way data transmission to and from the internet with advertised speeds"

This vague statement allows for an inordinate amount of error within the 477 data as there are no current mechanisms to challenge the reporting done by providers/carriers by on-the-ground entities. This effects the rural population more than others and Native rural lands even more, CCT believes there should be more inter-government communication and interaction, which would take that error margin down significantly while ensuring that the FCC is exercising fiscal responsibility over the expenditure of taxpayer funds. CCT would like to see an application developed for mobile devices and personal computers that would take more granular data samples for deployment reporting purposes. The data sets would not only include speed testing results, which can be manipulated, but also normal day-to-day data collection of end users' internet browsing. This of course would need to protect user data privacy, but could be accomplished by making reporting voluntary and letting users know aware of the type of data that would be collected and the purpose for which it is being gathered. CCT believes that the speed test results that show speeds in excess of 10Mbps are not an accurate reflection of actual services being provided. Many times a household can run an OOKLA speeds test and consistently show 10/1 speeds; however they are not able to stream any data without constant buffering. Single device testing is not possible if the broadband were truly running at 10/1 for services. CCT believes that the FCC needs to stop merely talking about reformation of their data collection and take immediate action; to do otherwise is simply glossing over the fact that millions of dollars are being wasted with the current flawed data collection methods.

IV-18 "In an effort to improve the quality of the data to which the FCC has access, we recently adopted a new data collection, distinct from the Form 477 collection, in which all providers, beginning with fixed service providers, will be required to submit broadband coverage polygons of the areas where they make fixed broadband service available to end

users. The new collection will better enable the Commission to discharge its Universal Service Fund responsibilities, and will operate for the time being in parallel with the current Form 477 collection. In addition, we adopted a number of changes to improve the existing Form 477 data collection and sought comment on additional potential reforms, including whether to sunset the Form 477 broadband collection at some point after the new data collection has been established. Even with our adoption of the new data collection, the Commission will need to continue to rely for now on the current Form 477 collection to conduct its annual inquiry under section 706. This is because, among other reasons, we granted providers six months after the new mapping platform becomes available to submit the new maps. Moreover, we believe that continuing to rely on Form 477 deployment data for now will best enable us to assess the level of deployment by providing a consistent unit of measurement. As the Commission has found, the Form 477 data remains the most thorough and accurate data available for this analysis. Commenters who object to the use of such data for the purposes of this Inquiry should also provide recommendations for alternative datasets or supplements to the FCC Form 477 data that could be used to help guide our analysis. We remind commenters, however, that this Inquiry is not a rulemaking, and therefore cannot be used to undertake changes to the Form 477 or any other Commission data collection. Any recommendations for additional changes to the FCC Form 477 should be submitted in the *Modernizing the FCC Form 477 Data Program* docket, WC Docket 11-10."

CCT Response to IV-18:

CCT Does take issue with the current form 477 data collection methods and calls its accuracy into serious question. CCT recognizes that this is not a rule making so we will reserve further comment for future NPRM's and will submit separate comments on WC Docket 11-10 "*Modernizing the FCC Form 477 Data Program* docket".

IV-19 "We next propose to present deployment estimates for satellite broadband as we did in the *2019 Report*, providing deployment estimates for fixed terrestrial services in the report's tables and providing deployment estimates for all fixed services, including satellite, separately in an appendix. As we noted in the *2019 Report*, while satellite signal coverage may enable operators to offer services to wide swaths of the country, overall satellite capacity may limit both the speed of service and the number of consumers that can actually subscribe to satellite service at any one time. As we did in the *Fourteenth Notice of Inquiry*, we seek comment on this treatment of satellite service, including how we should take into account any possible limitations, such as satellite capacity, in assessing the geographic scope of reported satellite coverage."

CCT Response to IV-19:

CCT does not believe that satellite providers should be considered in any broadband mapping. They cannot provide the same level on consistent service that fixed providers can

do. They are limited in their bandwidth capacity and not a single one provides any sort of "unlimited" data plans. They have very small data caps and will often prioritize traffic during peak hours. These issues seriously limit what can be done with the bandwidth(ie...no streaming videos for school/homework, no video conferencing for tele-health). Given the above factors CCT does not think that any satellite providers should be factored into the overall broadband deployment reporting. RUDOF calls for stand-alone phone services, yet satellite providers are allowed to bid and have won tens of millions of dollars worth of contracts and do not have a way to provide a stand alone service. These oversights are costing taxpayers millions in wasted dollars to providers that will never be able to meet the deployment criteria and were supposedly "vetted" through both the short form and long form applications.

IV-20 "*Deployment Data for Mobile Services.* In the *2019 Report*, we reported deployment estimates based upon SBI data for 2013, and FCC Form 477 deployment data for 2014 through 2017. For 2014 through 2017, we presented results in the *2019 Report* from two sets of estimates to measure mobile broadband deployment. First, the report analyzed FCC Form 477 mobile LTE deployment data with a minimum advertised speed of 5 Mbps/1 Mbps using the centroid methodology as has previously been done by the Commission. Similar to the analysis of fixed services, the *2019 Report* considered a given census block to be covered if there was at least one service provider serving the centroid of that census block that reported 5 Mbps/1 Mbps as the minimum advertised speed based on their submitted Form 477 data. As previously noted, we recently adopted a number of changes to improve the existing Form 477 data collection and sought comment on additional potential reforms, including how to incorporate mobile broadband coverage data into the new data collection and whether to sunset the Form 477 broadband data collection at some point after the Commission and USAC establish the new data collection. However, the Commission will need to continue to rely on the Form 477 collection in the interim to conduct its annual inquiry under section 706 for the reasons stated above. Commenters who object to the use of such data for the purposes of this Inquiry should also provide recommendations for alternative datasets or supplements to the FCC Form 477 data that could be used to help guide our analysis."

CCT Response to IV-20:

CCT understands that the form 477 data is the only data available to the FCC at this time, however for years now hundreds if not thousands of comments have gone into record objecting to form 477 and its lack of reliability and for years now the FCC has done NOTHING to rectify this. Their latest attempt is far too little and far too late as CCT has stated already: the digital divide in rural Indian Country has grown ever wider while the FCC has claimed the opposite is occurring. CCT would propose that the current testing

requirements be amended to include an additional 10% of deployed sites that lie on Reservation lands. This would be done through a coordinated effort between the providers and the Tribal Governments. The data collection would go beyond a simple speed test, which does nothing to show real life practical use. Speed tests utilize pre-defined "small binary files" that are downloaded from a server to the client to determine connection speeds and then "one of several files sizes is selected to use for the real download test". There are no hard numbers on the size of these packets, which play a huge role in determining the connection speed. A single HD resolution stream will run between 5-8Mbps with h.264 and 12+Mbps with mpg2 format. With education moving to online curriculum more and more, watching instructional videos is necessary for many distance learners and should be considered when measuring network performance. CCT would propose that a short 2-3 minute HD video be used as part of the deployment testing to ensure that the networks being deployed are truly capable of handling real life needs.

IV-21 "In addition, we supplemented this analysis in the *2019 Report* by analyzing Ookla consumer speed test data, primarily because Ookla data provided the greatest number of observations of actual speeds that customers receive. The analysis of Ookla data considered only those counties with a sufficient number of Ookla speed test observations in each time frame covered by the *2019 Report*. Although we did not have reliable on-the-ground speed data for every county in the United States, the Ookla data covered approximately 93% of the population of the United States. We propose to use the same methodologies used in the *2019 Report* for the next Broadband Deployment Report and seek comment on this proposal. We also seek comment on whether other sources for these data exist."

CCT Response to IV-21:

CCT has already stated that using an OOKLA speed test does not measure true network performance and only shows you how fast you can move small files between sites. This is not what people do when they get onto the Internet. Everything uses streaming media these days and those streaming packets are much more robust than simple file transfers. CCT again would propose that more robust testing be conducted to get a true picture of network performance. The speed test only shows how much max bandwidth MAY be achieved but in reality a household can show 10Mbps throughput with a speed test, but cannot stream a single HD video without buffering every 30 seconds. If a speed test truly were a picture of network performance those HD video streams would need to buffer or only once or twice over a full length movie at most. Perhaps a 2-3 tiered testing method could be implemented with Tier 1 covering the traditional speed test, followed by a short 1-2 minute HD video stream, and finally a live stream that would show how well the upload speeds perform with video. This would show a much more complete picture of network performance and would ensure honest numbers on deployment speeds.

IV-22 *"Calculation of Americans with Advanced Telecommunications Services Available.* We propose to use the same methodology as we used in the *2019 Report* to calculate where advanced telecommunications capability is deployed. Our analysis began with determining whether there is at least one provider of services in each census block with the capability to provide advanced telecommunications services. The *2019 Report* used FCC staff estimates of the U.S. population to calculate the number of Americans with fixed advanced telecommunications capability available by summing the population of all of the census blocks with at least one provider of services, whether the calculation is considering fixed terrestrial services, all fixed services, mobile LTE services, a combination of fixed terrestrial and mobile LTE services, or a combination of fixed terrestrial or mobile LTE services. We seek comment on this proposal."

CCT Response to IV-22:

CCT believes that using mobile LTE does the public a disservice as the data maps for LTE are wholly flawed as was evidenced through the MFII challenge where tens of thousands of census blocks were shown to have been misreported as being served. The MFII challenge, which had a very low turnout as far as participation, proves that mobile providers are consistently over- reporting coverage, especially in rural areas. FCC staff needs to get out of their offices and into the field, make unannounced trips to rural America and see for themselves just how bad broadband access and performance is in some places. It would take a year or two to accomplish and a lot of man power; however taxpayer money would be far better spent in that fashion (on the ground data collection) than by throwing it at mobile and fixed terrestrial providers who have been proven to over-report. Once this data is collected, subsequent data gathering costs would be significantly less. The FCC could rely on local, state and Tribal Governments to assist with the data collection on the ground.

IV-23 *"Deployment Data for Schools.* To evaluate developments in the deployment of advanced telecommunications capability to America's elementary and secondary public schools, we relied upon publicly available data from EducationSuperHighway's *2018 State of the States Report* and the Consortium for School Networking's (CoSN) *2018-2019 Annual Infrastructure Survey Report.* We propose to rely on the next iterations of these sources for the next Report, and seek comment on this proposal. We also seek comment on any alternative data sources available for us to evaluate deployment of advanced telecommunications capability in America's schools as required by section 706."

CCT Response to IV-23:

Without knowing how or what methodologies were used to collect any relevant network performance measurements CCT cannot provide a meaningful comment.

IV-24 "*Deployment Data for Tribal Lands.* In the *2019 Report*, we found that, as of December 31, 2017: (i) 25 Mbps/3 Mbps fixed terrestrial service was deployed to 67.9% of Americans on Tribal lands; (ii) mobile LTE with a minimum advertised speed of 5 Mbps/1 Mbps was deployed to 97% of Americans on Tribal lands; and (iii) 67.6% of Americans on Tribal lands were covered by both of these services. The deployment figures for Tribal lands examined deployment in the census blocks that have been identified as federally-recognized Tribal lands for the 2010 Census. We seek comment on whether there are other sources of information that we could use to examine deployment on Tribal lands. Furthermore, for purposes of presentation of the data, our analysis of federally-recognized Tribal lands groups these areas into four groups. We seek comment on whether we should summarize the deployment data on a more disaggregated basis, and whether there are other more informative categories that could be used to present this data."

CCT Response to IV-24:

CCT does not believe that these numbers match up with reality on the ground. Although no other data exists to work with, we would like to see more on-the-ground work done to gather real granular data that provides a realistic picture of network performance and coverage. The mobile LTE coverage maps that the FCC provides show large swathes of CCT land as being covered by LTE, which is wholly inaccurate and while the MFII challenge gave us an opportunity to showcase the over-reporting by mobile providers, the process was very cumbersome and in many cases the lands that were deemed as "covered" were very remote and in almost all cases no coverage was available to even test. CCT firmly believes that the only way to truly get a picture of deployment data on Reservation lands is to work hand-in-hand with Tribal Governments. This working relationship would be the only way to truly gather factual data from the ground level of how well these networks are performing and how accurate the reporting from providers really is.

IV-25 "*Disaster Affected Areas.* The *2018 Report*'s deployment figures for the United States as a whole excluded data from the U.S. Territories, because the 2016 data did not account for damage to infrastructure caused by hurricanes in 2017, and thus may have significantly overstated deployment in Puerto Rico and the U.S. Virgin Islands. In the *2019 Report*, we found reporting separately on the progress of disaster-affected areas to be the most viable approach to assess our efforts and those of service providers to improve and restore broadband networks in such areas. We remain uncertain as to the current deployment of broadband services in these areas given the damage to infrastructure in Puerto Rico and the U.S. Virgin Islands from Hurricanes Maria and Irma in 2017. We seek comment on whether we should continue to report deployment in the U.S. Territories separately from the remainder of the United States in order to assess the status of recovery in these disaster-affected areas, or if we should instead include the U.S. Territories in our broader national deployment figures. Are there other methods to track broadband deployment progress in disaster-affected areas that we should consider?"

CCT Response to IV-25:

CCT would like to see all the data from every state and territory held. By not including such data the FCC decisions are not transparent and based upon accurate data in order to make it appear as if over all deployment is consistently moving forward. Disasters happen, and the re-deployment of those networks is just as important as new deployments to un-served areas.

SECTION V "COMMISSION EFFORT TO CLOSE THE DIGITAL DIVIDE"

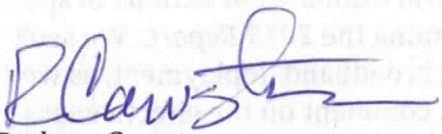
V-26 "We described in the *2019 Report* the many actions the Commission has taken to encourage deployment of advanced telecommunications capability and close the digital divide. These actions were central to our finding in the *2019 Report* that the Commission's policy efforts are now encouraging the deployment on a reasonable and timely basis of advanced telecommunications capability. The next Report will examine our actions to spur broadband deployment and close the digital divide since issuing the *2019 Report*. We seek comment on the ongoing effects of these efforts in spurring broadband deployment, as well as any additional efforts we might undertake. We also seek comment on the effectiveness of USF funding in driving the deployment of advanced telecommunications capability. Has the Commission been effective in its efforts to increase deployment by targeting USF funding to un-served areas in order to extend the reach of networks to all Americans? What more could or should we do to expand access to spectrum to support or supplement wireless and satellite broadband services?"

CCT Response to V-26:

CCT does commend the FCC for its efforts in opening up spectrum, that had been lying dormant for decades, to the public for use in broadband deployment. The reality is that most rural Tribal lands are so geographically challenging that traditional in-the-ground deployments are too costly and not feasible and neither are networks deployed using un-licensed spectrum. The new spectrum being deployed will bring many new opportunities for providers to deploy networks into even the most remote areas of the U.S. and will actually work to close that digital divide. CCT looks forward to claiming the airwaves over our Reservation and deploying networks to areas that we could never have gotten to otherwise.

As described above, the extent to which reporting of broadband coverage, speeds, and access for citizens in rural areas generally and on remote Indian Reservations specifically is grossly inaccurate and does not provide a good foundation for the FCC to make decisions about how to address this problem. The FCC needs to gather and rely on accurate and comprehensive information, not "facts" selectively chosen to avoid recognizing the reality that the Digital Divide in Indian Country is wide and deep. The Colville Tribes urges the FCC to take steps to gather accurate information on how the most remote and rural areas of the US are extremely disadvantaged by this inequitable distribution of broadband services and access. The Tribes looks forward to working with the FCC in the future to address these inequities for all rural citizens who currently lack even basic broadband, while their urban counterparts have a wide range broadband communications options to choose from.

Respectfully submitted,



Rodney Cawston
Chairman, Colville Business Council
Confederated Tribes of the Colville Reservation